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Diane Blevins

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Shengce TAO et al.

International Application No.: PCT/CN2003/000335

International Filing Date: May 9, 2003

Serial No.: Not Yet Assigned

Filing Date: Concurrently Herewith

For: **METHODS AND COMPOSITIONS FOR
OPTIMIZING MULTIPLEX PCR PRIMERS**

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants petition for revival, as unintentionally abandoned, the U.S. National Phase of PCT/CN2003/000335, under 37 CFR §1.137(b). In accordance with Rule 137(b), this petition is accompanied by (1) a proposed response to file the international application under 37 USC §371 in the form of attached documents and fees required for entry of the U.S. national phase; (2) payment of the fee required by 37 CFR §1.17(m); and (3) a statement that the delay in prosecution was unintentional. This petition is filed within one month of the date on which the application became abandoned.

Failure to timely enter the U.S. national phase resulted from a docketing oversight prior to the 30 month deadline date of November 9, 2005. The invention disclosed and claimed in the PCT/CN2003/000335 was invented by the Applicants (Shengce TAO and Jing CHENG)¹ while the Applicants were employed at Capital Biochip Company Ltd. (now known as CapitalBio Corporation) and/or Tsinghua University. Prior to the November 9, 2005 date, the Applicants were not aware, nor were the Applicants informed, that the deadline for entering the U.S. national phase was November 9, 2005. Once the docketing oversight was discovered, the Applicants immediately retained the undersigned to start the process of reviving the U.S. national phase application.

In sum, both the failure to timely enter the U.S. national phase and the brief delay in filing a petition to revive the application were unintentional.

Should any further information be required to fully consider this petition, a call to the undersigned at the telephone number listed below is cordially invited.

The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this petition, or to credit any overpayment, to **Deposit Account No. 03-1952**.

- ☒ I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 514572001800.

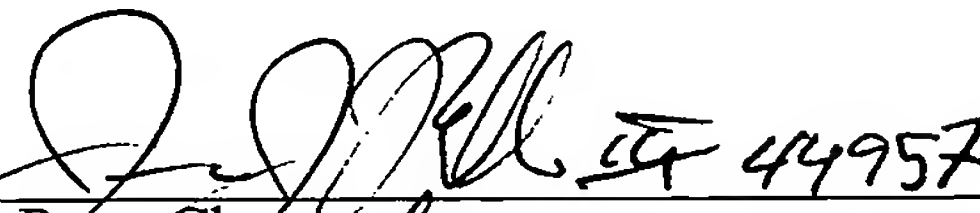
¹ For U.S. national stage purpose, the co-inventors, Shengce TAO and Jing CHENG, should be considered as the applicants.

However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: December 9, 2005

By:



44957

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